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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,878	02/22/2002	Paul Trevithick	PARITY-101J	9151
32488	7590	06/07/2006	EXAMINER	
IANDIORIO & TESKA 260 BEAR HILL ROAD WALTHAM, MA 02451-1018			CHANG, JUNGWON	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

10/080,878

Applicant(s)

TREVITHICK ET AL.

Examin r

Jungwon Chang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the c rrespondence address --
Period f r Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Pri rity under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL ACTION

1. This Office action is in response to amendment filed on 03/13/06. Claims 1-29 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-11, 13-24, 26 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Horvitz et al. (2003/0046421), hereinafter referred to as Horvitz.

4. As to claims 1 and 15, Horvitz discloses the invention as claimed, including a method of characterizing relationships among members of a social network (structural relationship between the user and the sender; page 2, [0015]; names on pre-determined list of important people; page 13, [0136]; [0138]-[0141]; sender-recipient structural relationship; page 16, [0251]), the method comprising the steps of:

receiving a plurality of messages (34, fig. 1) communicated during a dialogue between members of a social network (receiving a plurality of message 34; page 4,

[0064]-[0065]);

determining a purpose for each of the messages (messages are saved, copied or forwarded; page 5, [0071]; page 9, [0095], lines 18-19; identify the senders, such as family member, friends, company/organization; information about the structure of organizational relationship relative to the user; past tense information; future-tense information; Meeting and Coordination Information; Resolved Date; Questions; Indications of Personal Requests; Indications of Need; Indications of Time Criticality; Importance; Signs of Commercial and Adult-Content Junk E-Mail; page 12, [0124] – page 14, [0218]; messages are read first, and lower-priority messages are reviewed later, and/or deleted; page 14, [0225]);

determining at least one pattern in the messages communicated during the dialogue (monitoring keyboard activities, presence detectors, pauses when reviewing messages, how quickly messages are opened or deleted; page 5, [0071]); and

characterizing the relationships among the members of the social network based on the pattern and purposes of the messages (structural relationship between the user and the sender; page 2, [0015]; names on pre-determined list of important people; page 13, [0136]; [0138]-[0141]; sender-recipient structural relationship; page 16, [0251]).

5. As to claim 2, Horvitz discloses selecting one of a plurality of purpose categories; and embedding indicia of the selected purpose category in at least one of the plurality of messages (Information in a Message Header, page 12, [0126]-[0131]; Meeting and Coordination Information, page 13, [0159]; Questions, page 13, [0173]; page 13, [0174]-

[0210]; page 14, [0212]).

6. As to claim 3, Horvitz discloses determining the purpose of at least one of the plurality of messages by extracting the indicia therefrom (page 14, [0219]).

7. As to claim 4, Horvitz discloses determining the purpose of each of the messages by extracting indicia of such purpose from a body section of each message (filtering messages; page 9, [0100]; category classification, binary features values; page 12, [0120]).

8. As to claim 5, Horvitz discloses determining the purpose of each of the messages by extracting indicia of such purpose from a header section of each message (information in a message header; page 12, [0125]-[0142]).

9. As to claim 6, Horvitz discloses at least one of the messages is an electronic mail message (email; page 2, [0017]).

10. As to claim 7, Horvitz discloses wherein the purpose determined for each of the messages is selected from at least one of a note, an acknowledgement, a counter, a reverse counter, a complete, a commit, an acceptance (saving or opening messages; page 5, [0071]), a decline (deleting message; page 5, [0071]), an offer, an invitation (arrange a meeting, like to invite, page 13, [0159]-[0168]), a withdrawal, an opt-out, a

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request (Indications of Personal Requests, page 13, [0174]-[0182]), and a question (Questions, page 13, [0173]).

11. As to claim 8, Horvitz discloses wherein the pattern in the messages corresponds to one of a frequency of interaction (page 2, [0011], lines 14-16; frequency counts, page 12, [0120], lines 10-13), a latency in response (monitoring keyboard activities, presence detectors, pauses when reviewing messages, how quickly messages are opened or deleted; page 5, [0071]), a latency in completion, a successful completion ratio, a nonresponsive ration, an unsuccessful ration, and a number of participating members until completion.

12. As to claim 9, Horvitz discloses analyzing the purpose for each of the messages to determine the pattern in the messages (page 5, [0071]; page 13, [0174]-[0210]; page 14, [0212]-[0223]; messages are read first, and lower-priority messages are reviewed later, and/or deleted; page 14, [0225]).

13. As to claim 10, Horvitz discloses classifying the purpose for each of the messages as one of a favorable (messages can be classified as high degrees of importance; page 4, [0062], lines 10-13; names on pre-determined list of important people; page 13, [0136]; [0138]-[0141]), unfavorable (non-importance, junk, mail; page 1, [0004], lines 14-15; messages can be classified as low degrees of importance; page 4, [0062], lines 10-13; junk email; page 14, [0212]-[0218]), and neutral type (messages

can be classified as medium degrees of importance; page 4, [0062], lines 10-13).

14. As to claim 11, Horvitz discloses assigning a score to each of the members of the social network participating in the dialogue (priority setting; 124, fig. 2; messages are classified as high, medium, low or other degrees of importance; page 4, [0062], lines 1-13; page 7, [0080]; [0084], lines 10-13), the score assigned to each participating member being based at least in part on the purpose determined for each of the messages transmitted by that participating member (page 4, [0062], lines 13-19; [0066]; page 7, [0081], lines 7-13).

15. As to claim 13, Horvitz discloses repeating each of the steps in claim 1 for a plurality of dialogues between the members of the social network (classifier is periodically refined by training...; page 14, [0225]).

16. As to claim 14, Horvitz discloses using the scores and characterized relationships of the members to select members of a new social network (structural relationship between the user and the sender; page 2, [0015]; To: Field, recipient information; page 12, [0128]-[0131]; From: Field, sender information; page 13, [0132]-[0141]; names on pre-determined list of important people; page 13, [0136]; [0138]-[0141]; sender-recipient structural relationship; page 16, [0251]).

17. As to claim 16, it is rejected for the same reasons set forth in claim 2 above.

18. As to claim 17, it is rejected for the same reasons set forth in claim 4 above.
19. As to claim 18, it is rejected for the same reasons set forth in claim 5 above.
20. As to claim 19, it is rejected for the same reasons set forth in claim 6 above.
21. As to claim 20, it is rejected for the same reasons set forth in claim 7 above.
22. As to claim 21, it is rejected for the same reasons set forth in claim 8 above.
23. As to claim 22, it is rejected for the same reasons set forth in claim 9 above.
24. As to claim 23, it is rejected for the same reasons set forth in claim 10 above.
25. As to claim 24, it is rejected for the same reasons set forth in claim 11 above.
26. As to claim 26, it is rejected for the same reasons set forth in claim 13 above.
27. As to claim 27, it is rejected for the same reasons set forth in claim 14 above.

Claim Rejections - 35 USC § 103

28. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

29. Claims 12, 25, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz, in view of Isaacs et al. (US 6,832,245), hereinafter Isaacs.

30. As to claims 12 and 25, Horvitz does not specifically disclose incrementing the score assigned to a particular one of the participating members in response to favorable purposes associated with messages transmitted by that particular participating member; and decrementing the score assigned to the particular participating member in response to unfavorable purposes associated with messages transmitted by that particular participating member. However, Isaacs discloses incrementing the score assigned to a particular one of the participating members in response to favorable purposes associated with messages transmitted by that particular participating member (the score may be adjusted by a number of factors by increasing the score...score may be modified...rating higher or lower accordingly depending on the preferences of the user; col. 6, line 53 – col. 7, line 13); and decrementing the score assigned to the particular participating member in response to unfavorable purposes associated with messages

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transmitted by that particular participating member (the score may be adjusted by a number of factors...SPAM or unsolicited electronic mail...score may be modified based on if the content of a message is informal, slang; col. 6, line 53 – col. 7, line 13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Horvitz and Isaacs because Isaacs' adjusting the score would improve analyze user's communication messages by scoring the message depending on the preferences of the user (Isaacs, col. 6, line 53 – col. 7, line 13).

31. As to claims 28 and 29, they are rejected for the same reasons set forth in claims 1 and 15 above. Horvitz does not specifically disclose incrementing the score assigned to a particular one of the participating members in response to favorable purposes associated with messages transmitted by that particular participating member; and decrementing the score assigned to the particular participating member in response to unfavorable purposes associated with messages transmitted by that particular participating member. However, Isaacs discloses incrementing the score assigned to a particular one of the participating members in response to favorable purposes associated with messages transmitted by that particular participating member (the score may be adjusted by a number of factors by increasing the score...score may be modified...rating higher or lower accordingly depending on the preferences of the user; col. 6, line 53 – col. 7, line 13); and decrementing the score assigned to the particular participating member in response to unfavorable purposes associated with messages transmitted by that particular participating member (the score may be adjusted by a

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number of factors...SPAM or unsolicited electronic mail...score may be modified based on if the content of a message is informal, slang; col. 6, line 53 – col. 7, line 13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Horvitz and Isaacs because Isaacs' adjusting the score would improve analyze user's communication messages by scoring the message depending on the preferences of the user (Isaacs, col. 6, line 53 – col. 7, line 13).

32. Claims 12, 25, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz, in view of Pollack et al. (US 6,578,025), hereinafter Pollack.

33. Horvitz does not specifically disclose incrementing the score assigned to a particular one of the participating members in response to favorable purposes associated with messages transmitted by that particular participating member; and decrementing the score assigned to the particular participating member in response to unfavorable purposes associated with messages transmitted by that particular participating member. However, Pollack discloses incrementing the score assigned to a particular one of the participating members in response to favorable purposes associated with messages transmitted by that particular participating member; and decrementing the score assigned to the particular participating member in response to unfavorable purposes associated with messages transmitted by that particular participating member (fig. 2; col. 5, lines 30-45; col. 10, lines 6-36; col. 11, lines 19-45). It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teachings of Horvitz and Pollack because Pollack's adjusting the score would improve analyze user's communication messages by indicating the incoming message that the user is not interested in the incoming message (col. 11, lines 19-45).

34. As to claims 28 and 29, they are rejected for the same reasons set forth in claims 1 and 15 above. Horvitz does not specifically disclose incrementing the score assigned to a particular one of the participating members in response to favorable purposes associated with messages transmitted by that particular participating member; and decrementing the score assigned to the particular participating member in response to unfavorable purposes associated with messages transmitted by that particular participating member. However, Pollack discloses incrementing the score assigned to a particular one of the participating members in response to favorable purposes associated with messages transmitted by that particular participating member; and decrementing the score assigned to the particular participating member in response to unfavorable purposes associated with messages transmitted by that particular participating member (fig. 2; col. 5, lines 30-45; col. 10, lines 6-36; col. 11, lines 19-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Horvitz and Pollack because Pollack's adjusting the score would improve analyze user's communication messages by indicating the incoming message that the user is not interested in the incoming message (col. 11, lines 19-45).

R sponds to Arguments

35. Applicant's arguments filed on 03/13/06 have been fully considered but they are not persuasive.

36. (1) Applicant asserts on page 10 of the Remark that each of the Examiner's rejections is based in whole or in part on the primary reference US Pat. App. Publ. No. 2003/0046421 to Horvitz et al, which has a filing date of December 12, 2001 and a publication date March 6, 2003. Both of these dates are after the priority date of the subject patent application, which is February 22, 2001. Thus, the applicants respectfully submits that because the effective filing date of the present application precedes the effective filing date of the Horvitz et al reference, that Horvitz et al. is not a proper reference.

In reply to argument (1): The examiner respectfully disagrees. Horvitz reference includes provisional application 60/255,016 filed on December 12, 2000. Applicant is directed to see MPEP 2136.03 which states in part:

The 35 U.S.C. 102(e) critical reference date of a U.S. patent or U.S. application publications and certain international application publications entitled to the benefit of the filing date of a provisional application under 35 U.S.C. 119(e) is the filing date of the provisional application with certain exceptions > if the provisional application(s) properly supports the subject matter relied upon to make the rejection in compliance with 35 U.S.C. 112, first paragraph<.

The provisional application 60/255,016 includes the written description, drawings, and claims that adequately support the full scope of the subject matter regarded as the invention and claimed in the later filed US non-provisional application 10/021,621 (US

2003/0046421). A copy of the provisional application is supplied with this Office action.

(2) Applicant asserts on page 11 of the Remark that Horvitz et al. does not teach --- among other things --- characterizing the relationships among the members of the social network based on the pattern and purposes of the messages.

In reply to argument (2): The examiner respectfully disagrees. On page 4, paragraph 0062 of Horvitz, which states in part:

A background monitor can be provided to monitor a user's activities regarding message processing to further refine or tune the classifier according to the user's personal decisions relating to message importance. Other priorities classifications can involve determinations relating to a loss associated with a time for delayed review or processing of the message.

In addition, on page 5, paragraph 0071 of Horvitz, which states in part:

Implicit feedback can include monitoring various context aspects of the user to determine message importance. This can include monitoring sounds, keyboard activities, presence detectors, pauses when reviewing messages, how quickly messages are opened or deleted, and/or whether messages are saved, copies, or forwarded, for example.

On page 12, paragraph 0120, of Horvitz, which states in part:

For category classification, binary feature values (e.g., a word or phrase or other pattern identified in the header or body of an electronic message occurs or does not occur in a category), or real-valued features (e.g., a word or phrase or other pattern identified in the header or body of an electronic message occurs with an importance weight r) are often employed.

By analyzing and monitoring a pattern (i.e., user's activity; identifying a word or phrase or other pattern in the header or body of an electronic message) and purposes of the

message (i.e., delete, open, save, copy, forward; identifying a word or phrase or other pattern in the header or body of an electronic message), it can categorize the relationships (if the recipient deletes the received message quickly or does not open the received message, it can determine that the sender is a less important person) among the members of the social network (also see page 12, 0125-0223).

For all of these reasons, claims 1-11, 13-24, 26 and 27 are properly rejected under 35 U.S.C. 102.

37. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

38. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is 571-272-3960. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jungwon Chang
May 30, 2006